

VIA eFILE

PATENT APPLICATION

Docket No.: 16497.138.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
)	
	D. Bruce Modesitt, et al.)	
)	Art Unit
Serial No.:	10/729,541)	3773
)	
Filed:	December 5, 2003)	
)	
For:	ARTICULATING SUTURING DEVICE AND)	
	METHOD)	
)	
Confirmation No.:	1905)	
)	
Examiner:	Julian W. Woo)	
)	
Customer No.:	57360)	

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

VIA eFILE Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant gratefully acknowledges the allowance by the Examiner of claims 2-8, 10-14, 16-18, 20-22, 24-27, 29-31, and 33-37. In the statement of reasons for allowance, the Examiner noted that:

None of the prior art of record, alone or in combination, discloses a device and a method with the device for closing an opening in a tissue, where the device and method include, inter alia, a shaft, a foot receptacle, a foot movable from within the foot receptacle to a deployed position at least in part external to the foot receptacle and extending laterally across the distal end portion of the shaft, a flexible guidebody, and a needle advanceable from the shaft through tissue and to the foot in the deployed position, and where the method includes positioning a suture loop across the opening after a suture has been advanced through tissue along a needle path.

Applicant submits that the Examiner's statement appears to at least suggest that patentability of Applicant's invention(s) derives from the combination of the identified limitations recited above. However, Applicant respectfully wishes to clarify that patentability does not depend on a single limitation, or subset of limitations. Rather, the patentability of the invention(s) defined by a claim (or claims) must be considered with reference to the claim as a whole.

Dated this 12th day of October, 2010

Respectfully submitted,

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